

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, November 15, 2006 – 9:00 a.m. – Room W130 House Building

Members Present:

Sen. David L. Thomas, Senate Chair
Rep. James A. Ferrin, House Chair
Sen. Patrice M. Arent
Sen. Gregory S. Bell
Sen. Scott D. McCoy
Sen. Wayne Niederhauser
Rep. Douglas C. Aagard
Rep. Stephen D. Clark
Rep. Ann W. Hardy
Rep. Neal B. Hendrickson
Rep. David L. Hogue
Rep. Ross I. Romero
Rep. LaWanna Shurtliff

Sen. Darin G. Peterson
Rep. Ben C. Ferry
Rep. Eric K. Hutchings
Rep. Scott L. Wyatt

Members Absent:

Rep. Lorie D. Fowlke
Rep. Susan Lawrence

Staff Present:

Mr. Jerry Howe, Policy Analyst
Ms. Esther Chelsea-McCarty, Associate General Counsel
Ms. A. Brooke Ollerton, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Thomas called the meeting to order at 9:11 a.m. Rep. Fowlke and Rep. Lawrence were absent from the meeting.

MOTION: Sen. Arent moved to approve the minutes of the October 18, 2006 meeting. The motion passed unanimously with Sen. Bell, Rep. Aagard, Rep. Clark, Rep. Hogue, and Rep. Romero absent for the vote.

2. Reports

A. Sex Offender Treatment

Mr. Mike Haddon, Director of Research, Utah Commission on Criminal and Juvenile Justice, presented a report, "Sex Offender Treatment in Utah." He distributed a chart, "Offenders Participating in Sex Offender Treatment" and took questions from the Committee regarding the report.

Mr. Ron Sanchez, Utah Department of Corrections, answered committee questions about the report.

Ms. Christine Mitchell, Deputy Director, Department of Corrections, said she could provide budget information for the sex offender treatment program.

B. Child Welfare Legislative Oversight Panel

Chair Thomas explained that Sen. Dan Eastman and Rep. Steven Mascaro had provided a "Letter to the Judiciary Interim Committee: Child Welfare Legislative Oversight Panel 2006 Annual Report," which was included in the November mailing packet. He outlined the main issues in the letter.

3. Material Harmful to Minors

Rep. Scott Wyatt introduced 2007 General Session draft legislation, "Material Harmful to Minors Amendments." He asked for more time to review similar laws that have been found to be unconstitutional.

MOTION: Rep. Hogue moved to adopt "Material Harmful to Minors Amendments" as a committee bill.

The Committee discussed the bill, similar legislation in other states, and the constitutional issue involved.

Chair Thomas called for a vote on the motion to adopt "Material Harmful to Minors Amendments." The motion passed with Sen. Arent, Sen. McCoy, Rep. Ferrin, Rep. Hendrickson, and Rep. Romero voting in opposition. Sen. Bell was absent for the vote.

4. Update - Recodification of Title 78

Ms. Chelsea-McCarty referred the Committee to a handout, "Title 78A – Judicial Administration," distributed prior to the meeting, and updated the Committee on the progress of the recodification.

Chair Thomas asked for volunteers to sponsor the bill. Sen. McCoy and Rep. Hendrickson offered to sponsor the bill in their respective chambers.

5. Domestic Violence and Dating Violence Amendments

Rep. David Litvak explained that 2007 General Session draft legislation, "Domestic Violence and Dating Violence Amendments," permits protective orders to be issued in cases of dating violence. Currently, protective orders are available only in cases of domestic violence, which is defined by cohabitation.

The Committee discussed definitions in the legislation and expiration dates for protective orders.

Mr. Stewart Ralphs, Legal Aid Society of Salt Lake, spoke in favor of the legislation, saying that the process of obtaining an order is streamlined under the bill and sends a message that domestic violence is unacceptable.

Ms. Ronda Rose, Utah PTA (Parent Teacher Association), thanked Mr. Ralphs for explaining the bill to the PTA's Legislative Action Committee, which voted unanimously to support the bill. She stated that the Education Coalition also supports the bill.

MOTION: Rep. Shurtliff moved to adopt "Domestic Violence and Dating Violence Amendments" as a committee bill. The motion passed unanimously with Rep. Ferrin absent for the vote.

6. Insurance Arbitration Amendments, 2005 General Session

Staff distributed 2007 General Session draft legislation, "Motor Vehicle Insurance Arbitration Amendments."

Mr. Steve Sullivan, Utah Trial Lawyers Association, explained that 2005 General Session H.B. 235, "Insurance Arbitration Amendments," allows people who have been moderately injured in auto accidents to handle their cases through arbitration instead of a jury trial. He outlined proposed changes to the bill in the draft legislation.

Rep. Stephen Urquhart and Mr. Sullivan answered questions about the claim process, damages, attorney's fees, and definitions in the legislation.

MOTION: Rep. Wyatt moved to adopt "Motor Vehicle Insurance Arbitration Amendments" as a committee bill. The motion passed unanimously with Sen. Bell and Rep. Ferrin absent for the vote.

7. Hospital Liens

Rep. Stephen Urquhart introduced the subject of hospital liens and said that a concern exists over whose insurance is billed in motor vehicle accidents.

The Committee discussed liens, Medicare repayment, and reimbursement rates.

Mr. Spencer Stokes, Hospital Corporation of America and Cardon Healthcare Network, said that hospitals are concerned because they perform an immediate service when someone is injured and want to make sure they can recover payment for their services.

Mr. Alan Dayton, Intermountain Healthcare, stated that he anticipated working with Rep. Urquhart to work out some concerns with the legislation.

Mr. Phil Dyer, Utah Trial Lawyers Association, gave an example of a woman who was victimized in an auto accident and her insurance would not cover her hospital bills.

8. Other Items / Adjourn

MOTION: Rep. Hogue moved to adjourn the meeting. The motion passed unanimously with Sen. Bell and Rep. Ferrin absent for the vote.

Chair Thomas adjourned the meeting at 11:26 a.m.